

### **Remarks**

Claims 33, 35-36, 42-43, 47-49 and 54-61 and 63-64 are pending in this application.

Claims 42 and 43 are withdrawn.

Claims 33, 35-36, 42-43, 47-49, 54-61 and 63-64 are rejected under 35 USC 102(e) as being anticipated by any one of U.S. Pat. No. 6,117,997, U.S. Pat. No. 6,284,821 or U.S. Pat. No. 6,184,375.

Claim rejections over GB 2319523 under 35 USC 103(a) as applied to 35 USC 102(a) have been withdrawn in view of a Rule 132 Declaration by Dr. Dietmar Hueglin. The Declaration states that Dr. Hueglin, a present inventor, invented the subject matter in GB '523 relied on for the rejection.

The three cited U.S. patents are of the same patent family as GB '523.

Applicants submit a further Rule 132 Declaration by Dr. Hueglin. The attached Declaration states that he invented the subject matter disclosed in U.S. Pat. Nos. 6,184,375, 6,284,821 and 6,117,997 related to stabilization of personal care products.

The Declaration states:

That he invented the subject matter related to sun protecting compositions in columns 78-79 and skin and hair applications in column 32, line 45 through column 34, line 8 of U.S. Pat. No. 6,184,375;

that he invented the subject matter related to sun protecting compositions in columns 68-69 and skin and hair applications in column 31, line 49 through column 33, line 13 of U.S. Pat. No. 6,284,821; and

that he invented the subject matter related to skin and hair applications in column 32, line 22 through column 33, line 54 of U.S. Pat. No. 6,117,997.

Thus, the subject matter relied on for the rejections are not "by another".

Applicants submit that in view of the present Rule 132 Declaration, that the present 35 USC 102(e) rejections are addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are in condition for allowance and respectfully request that they be found allowable.

Respectfully submitted,



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Attachment: Rule 132 Declaration (Dr. Dietmar Hueglin)